

REMARKS

Claims 1-25 are pending in this application. Claims 1 and 15 are independent claims. By this Amendment, claim 15 is amended. No new matter is added.

Allowable Subject Matter

Claims 1-14 are indicated as being allowable if a terminal disclaimer is filed disclaiming the terminal portion of the present application that may extend beyond the patent term of co-pending U.S. Patent Application 10/542,027. As the present application is the “later filed” of the co-pending applications, submission of a terminal disclaimer at the present time would be premature in that the claims of co-pending patent application 10/542,027 may be further amended.

Claim Rejections

Claims 15, 16 and 20 are rejected under 35 USC §102(b) as being anticipated by US Patent 5,629,831 to Eggert, et al. (Eggert). The rejection is respectfully traversed.

Eggert fails to disclose or suggest all of the features of the rejected claims. For example, Eggert fails to disclose or suggest, a modular device, comprising a housing including a plurality of predetermined module locations; at least one coding device arranged on a surface of the housing, the at least one coding device being connectable to an opposing coding device; and at least one electrical contact protruding from the surface of the housing, the at least one contact being connectable to at least one opposing contact adapted to make transversely make contact with respect to a longitudinal side of the at least one contact, as recited in independent claim 15.

It is alleged in the Office Action that the recess 29 in the electronics module 2 (Fig. 2) corresponds to the claimed “at least one contact.” However, as is clearly described in Eggert, the recesses 28 and 29 are merely holes on the housing “for the purpose of lining up the terminal blocks 24-27 relative to the interior of the housing of electronics module 2.” Thus, the recesses are neither contacts nor do they protrude from the surface of the housing. Therefore, withdrawal of the rejection is respectfully requested.

Claims 18, 19, and 21-24 are rejected under 35 USC §103(a) as being unpatentable over Eggert in view of US Patent 5,652,420 to Innes, et al. (Innes). Claims 17 and 25 are ejected

under 35 USC §103(a) as being unpatentable over Eggert. The rejections are respectfully traversed.

Claims 17-19 and 21-25 are allowable for their dependency on independent claim 15 for the reasons discussed above, as well as for the additional features recited therein. As such, withdrawal of the rejections is respectfully requested.

Non-statutory Double Patenting Rejection

Claims 1-25 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as unpatentable over co-pending U.S. Patent Application 10/542,027 to Freimuth, et al. (Freimuth). The rejection is respectfully traversed.

As the present application is the “later filed” of the co-pending applications, submission of a terminal disclaimer at the present time would be premature in that the claims of co-pending patent application 10/542,027 may be further amended. Accordingly, withdrawal of the rejection of claims 1-14 is respectfully requested.

Regarding claims 15-25, it is admitted that co-pending US Patent Application 10/542,027 fails to disclose or suggest all of the features of the rejected claims. However, it is alleged that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify US 10/542,027 with the teachings of Eggert. For example, it is alleged that although the conflicting claims are not identical, they are not patentably distinct from each other because, for example, all the limitations of claim 1 of the instant application are met by the combination of claims 1, 7 and 9 of the co-pending application (10/542,027) except for the coding means allegedly taught by Eggert.

In addition to the admitted deficiency, Applicants submit that Eggert also fails to disclose or suggest a modular device, comprising a housing including a plurality of predetermined module locations; at least one coding device arranged on a surface of the housing, the at least one coding device being connectable to an opposing coding device; and at least one electrical contact protruding from the surface of the housing, the at least one contact being connectable to at least one opposing contact adapted to make transversely make contact with respect to a longitudinal side of the at least one contact, as recited in independent claim 15 as amended.

As discussed above, it is alleged in the Office Action that the recess 29 in the electronics module 2 (Fig. 2) corresponds to the claimed “at least one contact.” However, as is clearly

described in Eggert, the recesses 28 and 29 are merely holes on the housing "for the purpose of lining up the terminal blocks 24-27 relative to the interior of the housing of electronics module 2." Thus, the recesses are neither holes nor do they protrude from the surface of the housing.

Accordingly, the combination of references fails to render the rejected claims obvious. Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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